

REMARKS

This is a full and timely response to the final Official Action mailed **April 15, 2009** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Previously, original claims 1 and 3 were cancelled without prejudice or disclaimer. By the foregoing amendment, claims 18-45 are similarly cancelled without prejudice or disclaimer. Thus, claims 2, and 4-17 are currently pending for further action.

Allowed Subject Matter:

The final Office Action grants allowance to claims 2 and 4-17. Applicant wishes to thank the Examiner for the allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding the patentability of these claims, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the application is allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the claims or claimed subject matter may be paraphrased.

Accordingly, all claims other than those allowed in the recent final Office Action have been canceled by the present amendment. Consequently, following entry of this amendment, the application should be in clear condition for allowance.

Objection to the Specification and Drawings:

All previous objections to the specification and drawings have been withdrawn in the current Action. Consequently, following entry of this amendment, the application should be in clear condition for allowance.

35 U.S.C. § 112, first paragraph:

In the recent Office Action, claims 18-45 were rejected under 35 U.S.C. § 112, first paragraph. This rejection is rendered moot following the cancellation herein of the rejected claims.

35 U.S.C. § 112, second paragraph:

In the recent Office Action, claim 43 was rejected under 35 U.S.C. § 112, second paragraph. This rejection is rendered moot following the cancellation herein of the rejected claim.

Prior Art:

While the previous rejections based on prior art have been withdrawn, the following new grounds of rejection are raised in the final Office Action.

(1) Claims 18-21, 24, 28-37, 40, 41, 44 and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of U.S. Patent Application Publication No. 20040212834 to Edwards (hereinafter “Edwards”) and U.S. Patent No. 6,511,148 to Colombi et al. (“Colombi”).

(2) Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Edwards, Colombi and U.S. Patent App. Pub. No. 2004/0098471 to Shima (“Shima”).

(3) Claim 27 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Edwards, Colombi and U.S. Patent App. Pub. No. 2001/0025307 to Venkatranman (“Venkatranman”).

(4) Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Edwards, Colombi and Shima.

(5) Claim 42 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Edwards, Colombi and U.S. Patent No. 6,665,715 to Hourì (hereinafter “Hourì”).

(6) Claim 24 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Edwards, Colombi and Hourì.

These rejections are all rendered moot due to the cancellation herein of all the rejected claims. Consequently, following entry of this amendment, the application should be in clear condition for allowance.

37 C.F.R. § 1.116:

Entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in condition for allowance as indicated by the Examiner. Specifically, all the claims allowed by the Examiner are retained without change while all the claims rejected by the Examiner are cancelled. No other issues are outstanding.

The amendment does not raise new issues requiring further search or consideration. And, based on the indications of the Examiner, the present amendment clearly places the application in condition for allowance. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and is hereby requested.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: June 15, 2009

/Steven L. Nichols/

Steven L. Nichols

Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095

(801) 572-8066
(801) 572-7666 (fax)